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Claudia Bader

(Signature of person mailing paper)

AVERP2514USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Mark Wisniewski et al

Serial No: 09/408,634 ✓

Filed: September 30, 1999

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Art Unit: 3727

Examiner: R. Hylton

For: DIRECTIONALLY PEELABLE CLOSURES AND ARTICLES USING THE SAME

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

ELECTION

This paper is responsive to the Office Action dated October 6, 2000. The period for response expires November 6, 2000.

The Examiner has required Applicants, under 35 U.S.C. §121, to elect one of the following species:

Group I: A container comprising a peelable opening feature
wherein the container is an envelope

Group II: A container comprising a peelable opening feature
wherein the container is a box

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Applicants provisionally elect the species of Group I to a container that is an envelope, on which claims 1-17 and 20-22 read. However, the requirement for election is respectfully traversed.

The differences between species I and II lie in the configuration of the container. In all of the claimed and illustrated species, the closure of the container has an directionally peelable feature and is made up of a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, provided that when the closure is used to secure an article, at least one portion of the upper surface of the first layer or the lower surface of the second layer is not attached to the article. The closure may be used to secure a number of different containers, such as, for example, containers having lids, containers having one or more flaps, containers that are boxes and containers that are envelopes. Therefore, Applicants respectfully traverses Examiner's requirement for election of species.

Respectfully submitted,

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